

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

GENERAL ORDER NO. 23

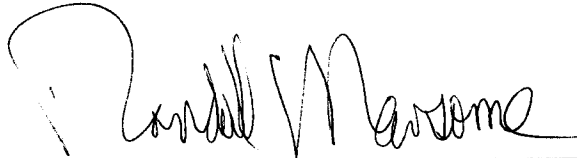
General Order re Voluntary Dismissal of Chapter 13 Cases

1. In light of *Rosson v. Fitzgerald (In re Rosson)*, 545 F.3d 764 (9th Cir. 2008), this General Order governs the procedures that apply, unless otherwise ordered, when a debtor wishes to dismiss a pending chapter 13 case which has not previously been converted to chapter 13 pursuant to Bankruptcy Code sections 706, 1112 or 1208.
2. Pursuant to Fed. R. Bankr. P. 9013, the debtor shall serve a motion to dismiss ("Motion to Dismiss") on the Chapter 13 Standing Trustee, the United States Trustee and any creditor who has appeared. The Motion to Dismiss shall be supported by a declaration stating whether there are pending motions to convert the case to chapter 7 or pending motions to dismiss with prejudice.
3. Any objections to the Motion to Dismiss must be filed within ten (10) days from service of the motion. If an objection is timely filed and served, the debtor must schedule a hearing on the motion and the objection, to be heard on not less than seven (7), nor more than fifteen (15) days notice to the objecting party, the Chapter 13 Standing Trustee and the United States Trustee.
4. If no party in interest has filed an objection within ten (10) days following service of such motion, and the Court finds that it is appropriate to grant the Motion to Dismiss, the Court will issue an order dismissing the case.
5. The time periods provided in this General Order are subject to modification in accordance with

1 applicable rules. Nothing contained herein shall be construed to preclude requests for relief of any
2 nature by or against any party-in-interest during the period between the filing of the Motion to Dismiss
3 and the Court's disposition thereof.

4 IT IS SO ORDERED.

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6 DATED: January 9, 2009

A handwritten signature in black ink, appearing to read "Randall J. Newsome", written over a horizontal line.

RANDALL J. NEWSOME
Chief Judge
United States Bankruptcy Court